

REMARKS

The Office Action dated June 17, 2003 has been received and carefully noted. The above amendments to the claims, and the following remarks, are submitted as a full and complete response thereto.

Claims 8-14 are pending. By this Amendment, claims 2-7 are canceled, claim 12 is amended and new claims 13-15 are added. No new matter is added.

§ 112, Second Paragraph, Rejection

The Office Action rejects claims 2, 3, 6 and 7 under 35 U.S.C. § 112, second paragraph, as being indefinite for containing asserted informalities.

Applicants believe that this rejection is overcome with the above amendments to claim 12 and with the addition of new claims 13-15 which do not include the terminology objected to. Reconsideration and withdrawal of the rejection of claims 1-4 and 6-11 under 35 U.S.C. § 112, second paragraph, are respectfully requested.

Objections to Claims

1) The Office Action objects to claim 12 for containing an asserted informality which is corrected in the above amendments to claim 12. Reconsideration and withdrawal of the objection to claim 12 are respectfully requested.

2) The Office Action objects to claims 2 and 3 under 37 CFR 1.75(c) for being in improper dependent form. Applicants believe that this objection is overcome with the cancellation of claim 2 and with new claim 13, which correspond with previous claim 3. Reconsideration and withdrawal of the objection to claims 2 and 3 are thus respectfully requested.

§ 103 Rejections

The Office Action rejects claims 2-12 under 35 U.S.C. § 103(a) as being obvious over WO Patent Application 98/04524 in view of WO Patent Application 96/05196. Claims 2-12 are additionally rejected under 35 U.S.C. § 103(a) as being obvious over the same two WO patent applications and further in view of Baraldi et al. ("Synthesis and Antitumor Activity of Novel Distamycin Derivatives"). These rejections are traversed as they may apply to the amended claims.

None of the cited prior art references disclose or even suggest to prepare Distamycin derivatives bearing (i) an acryloyl moiety and (ii) a central polyheterocyclic chain not only constituted by pyrrole rings, (iii) wherein the first heterocycle bonded to the acryloylamido moiety is a pyrazole and (iv) with B groups corresponding to N-methylamidino or cyanamidino, with the expectation of getting compounds with a pharmacological activity superior than that of analogous compounds of the prior art bearing a terminal B amidino group (see compound 13 of Baraldi et al., as the closest prior art compound).

Applicants have attached hereto a Declaration by one of the present inventors submitting evidence demonstrating the superior and unexpected IC50 values achieved by the presently claimed invention in comparison to the values resulting from the compound 13 of Baraldi et al.

In view of the above, Applicants respectfully submit that the claims are in condition for allowance. For at least the above reasons, reconsideration and withdrawal of the rejections of claims 2-12 under 35 U.S.C. § 103(a) are respectfully requested.

Conclusion

Applicants respectfully submit that this application is in condition for allowance and such action is earnestly solicited. If the Examiner believes that anything further is desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the telephone number listed below to schedule a personal or telephone interview to discuss any remaining issues.

In the event this paper is not being timely filed, Applicants respectfully petition for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 01-2300 referring to Attorney Docket No. 101615-00007.

Respectfully submitted,

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